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Analysing the Wrongness of Killing

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Abstract. This article provides an in-depth analysis of the wrongness of killing by comparing different versions of three influential views: the *traditional* view that killing is always wrong; the *liberal* view that killing is wrong if and only if the victim does not want to be killed; and Don Marquis' *future of value* account of the wrongness of killing. In particular, I illustrate the advantages that a basic version of the liberal view and a basic version of the future of value account have over competing alternatives. Still, ultimately none of the views analysed here are satisfactory; but the different reasons why those competing views fail provide important insights into the ethics of killing.

Key words: killing, wrongness of killing, future of value, ethics of killing, ethics.

Killing is, sometimes, wrong. That much we will assume here. Much more interesting than the question of whether killing is always wrong (the answer is no), is the question of what makes killing wrong in the cases in which killing is indeed wrong. One influential answer to this latter question has been delivered by Don Marquis: on his future of value account of the wrongness of killing, “what makes it wrong to kill those individuals we all believe it is wrong to kill, is that killing them deprives them of their future of value” (Marquis 2011, 384; see also Marquis 1989).

Carson Strong has presented a set of supposed counterexamples to the future of value account of the wrongness of killing, involving either a terminally ill patient or an individual severely and permanently cognitively impaired. Strong argues that it would be wrong to kill those individuals despite their not having a future of value like ours (on these counterexamples see: Strong 2008; Di Nucci 2009a; Strong 2009; Di Nucci 2009b; Marquis 2011; Strong 2012; and Di Nucci 2015).

I have suggested elsewhere (Di Nucci 2009a; Di Nucci 2009b; and Di Nucci 2015; see also Di Nucci 2013a) that the future of value account of the wrongness of killing ought to be interpreted broadly so as to include the futures of terminally ill patients and severely and permanently cognitively impaired individuals in our conception of futures of value. Such inclusiveness would not only deal with Strong's supposed counterexamples but also have two further advantages: such broad account would be neither discriminatory nor speciesist.

In the present article I want to distinguish the broad account of the wrongness of killing from the claim that killing is wrong if and only if the victim does not want to be killed. The latter account – which I will refer to as the *liberal* account of the wrongness of killing – is both simple and plausible; but, as we will see, the liberal account is false.

The idea that killing is wrong if and only if the victim does not want to be killed has the advantage that – again, on top of its great simplicity – it is very liberal in allowing for the killing of those who want to be killed. This is both the major difference and the

big advantage that such an account has over an otherwise similarly basic and intuitive account of the wrongness of killing: the historically popular idea that killing is wrong full-stop; namely, that the wrongness of killing is both general and universal. This I will refer to as the *traditional* account of the wrongness of killing.

There are at least two reasons to prefer the claim that killing is wrong if and only if the victim does not want to be killed to the claim that killing is wrong full-stop: as we anticipated, only the former allows for the killing of those who want to be killed or at least do not want not to be killed. Secondly, and perhaps more importantly, only the former offers an analysis of the wrongness of killing by providing an account inclusive of why killing is wrong – because the victim does not want to be killed. The traditional ‘killing is wrong full-stop’ is at the very least incomplete as an account of the wrongness of killing because it does not provide any reasons why killing is wrong. And here we see a similarity between the future of value account and the liberal account, which in this particular respect can be contrasted, together, with the traditional account. Even though the liberal account ought therefore to be preferred over the traditional account, the former shares some major disadvantages with the latter, namely being subject to countless counterexamples.

If killing is wrong if and only if the victim does not want to be killed, then we would almost never be allowed to kill during conflicts – because the enemy hardly ever lacks a preference against being killed; similarly, we would almost never be allowed to kill an aggressor in self-defence; and we would almost never be allowed to kill one to sacrifice many; here we could go on; but the general point is just that the liberal account shares some of the notorious plausibility weaknesses of the traditional account that killing is wrong full-stop; even though it is – in the one important respect that we have already emphasized – more liberal than the traditional account with respect to, say, euthanasia or assisted suicide.

Now one way to try to rescue the liberal account could consist in scaling it down from a set of necessary and sufficient conditions to a preference against being killed being either necessary or sufficient for the wrongness of killing. It is true that this way one would give up on the ambition of having a full-blow account, but after all the traditional account is also incomplete in its own way by failing to provide reasons for the wrongness of killing. So in terms of completeness we would have a draw that the scaled down liberal account could make up by winning in plausibility.

So what we need to look at now are two versions of the scaled down liberal account:

1. the claim that not wanting to be killed is necessary for the wrongness of killing; and
2. the claim that not wanting to be killed is sufficient for the wrongness of killing.

The latter shares all the implausibility of the traditional account; think, again, of all the traditional baddies mentioned above: none of them, normally, want to be killed; so scaling down the liberal account to a sufficient condition would be no improvement

because, again, killing all those baddies would be always wrong as long as they have a preference against being killed.

We are left with the scaled down liberal account according to which killing is wrong only if the victim does not want to be killed. This version does not suffer from all the classic counterexamples that burden both the traditional account and the full-blown liberal account, and on these grounds it ought to be preferred. Additionally, the idea that killing is wrong only if the victim does not want to be killed cannot be charged with incompleteness in comparing it with the future of value account, because after all the latter is also incomplete.

The future of value account, when properly spelled out, cannot consist of both necessary and sufficient conditions for the wrongness of killing; because if it aimed at providing sufficient conditions, it would again run in the sort of trouble that both the traditional account and the full-blown liberal account have to deal with: many baddies will have a future of value whether or not you interpret that as narrowly as Marquis and Strong or as broadly as myself – but that ought not to make their killing always wrong. So, the future of value account, both in its narrow version and in its broad version, is really just offering necessary conditions for the wrongness of killing: killing is wrong only if the victim is deprived of a future of value – call this the ‘basic future of value account’. That can indeed be compared with the claim that killing is wrong only if the victim does not want to be killed – call this the “basic liberal account.”

One may even suggest that, really, the claim that killing is wrong only if the victim does not want to be killed amounts to the subjective version of the claim that killing is wrong only if the victim is deprived of a future of value – namely that, just as with the debate that we described at the outset, the whole issue really turns on the definition of ‘future of value’. Whether or not this is the case, it is certainly true that one account appeals to a subjective attitude – whether or not one does not want to be killed – while the other account appeals to something that can at least be interpreted as an objective attitude – namely whether or not one has a future of value (here see again Di Nucci 2013a).

Something else that needs to be said about the basic future of value account and the basic liberal account is that not only can they both be distinguished from their full-blown versions and from the traditional account; they ought to be distinguished – and that is certainly the historical importance of Marquis’ work – from a close relative of the traditional account which appeals to the metaphysical status of the victim, as, say, being a person; or having a soul/mind, etc.

The basic future of value account and the basic liberal account, let us be clear, deliver different outcomes about when killing is wrong; which is important because otherwise one would have to worry about whether they could actually just be two only superficially different versions of the same view. Take abortion and embryo destruction: if those entities are taken to have a future of value, then killing them fulfils the necessary condition for the wrongness of killing in the basic future of value account. But fetuses and embryos lack

any kind of attitude against being killed, so that killing them does not fulfil the necessary condition for the wrongness of killing in the basic liberal account.

But what about adult humans who lack an attitude against being killed due to, say, their cognitive capacities or their current state? I am thinking of the severely mentally disabled, the comatose, those suffering from neurodegenerative diseases at advanced stages, and maybe even newborns (some non-human animals may, on the other hand, be an easier case in terms of claiming that they have an attitude against being killed). Here it is tricky to just say that the preference against being killed should be understood counterfactually: namely that it is also wrong to kill those that would have such a preference if they just had the relevant cognitive abilities. Because then one would need an argument for allowing this in the case of, say, the adult mentally disabled but not foetuses or embryos.¹

Here let me note that even though I have introduced quite a few different theories and versions thereof, we are still moving ourselves within very traditional territory in terms of the wrongness of killing: so that we are now faced with the typical liberal difficulty of allowing for embryo destruction and abortion without opening the floodgates to the killing of newborns, the severely mentally disabled and the severely demented. Nothing new, really – it could be objected. So let me say something which I think may bring the debate forward.

The liberal account, both in its full-blown version and in its basic version, is empty. That's because even though it provides a reason why killing is wrong, the reason that the liberal account provides for the wrongness of killing does not have anything to do with killing – or with death, for that matter. Think about it: the liberal account claims that killing is wrong only if the victim does not want to be killed. Whether or not this is true, its supposed truth is not very meaningful. Saying that killing is wrong only if the victim does not want to be killed is just like saying that interrupting is wrong only if the speaker does not want to be interrupted. The two claims have the same structure: doing A to S is wrong only if S does not want A to be done to her. We can generate countless cases that have this structure, because it is the basic structure of autonomy and consent.

I am not saying that autonomy and consent are not important: I am rather claiming that if all we can say about the wrongness of killing is that it has to do with an autonomy violation, killing is just as wrong as interrupting. Admittedly, one can rank preferences and the preference against being killed will certainly – for most people – rank much higher than the preference against being interrupted. Still, the wrongness of killing would be of the same kind as the wrongness of interrupting.

This is, then, what distinguishes the basic future of value account from the basic liberal account: the latter is, in an important way, not specifically about the wrongness of killing or death but about the wrongness of autonomy violations more in general. The former, on the other hand, focuses much more closely on what it is that we lose if we are killed: namely a

[1] Here I cannot do justice to debates about abortion and embryos but I have written about this extensively elsewhere. Please see: Di Nucci 2013b, Di Nucci 2013c, Di Nucci 2014a, and Di Nucci 2014b.

future. So the basic future of value account of the wrongness of killing is much more specific than the basic liberal account of the wrongness of killing: only the former says something which applies specifically to being killed, namely being deprived of our future.

Let us take stock. I have been comparing different accounts of the wrongness of killing: the traditional account; the liberal account; and the future of value account. I have found that the most plausible candidates are the so-called basic liberal account and basic future of value account; and that, in choosing between those two, the basic future of value account has the advantage of saying something specific about being killed – that it deprives us of our future – while the basic liberal account just appeals to a general principle against autonomy violation which applies to being killed as much as to being interrupted. Should we then just embrace the basic future of value account, preferably in my broad version (Di Nucci 2015) rather than in Marquis' narrow version (Marquis 2011)?

This is not the place for an all-out evaluation of the basic future of value account – my aim here was just to compare it with some significant alternatives. But let me say, very briefly, two things: first, I doubt that even the basic future of value account can work without appeal to the victim's preferences; if the victim does not have a preference for not being killed over being killed, then killing is not wrong, whatever the quality of the victim's future.

Admittedly, this point may be made in terms similar to those of the broad version of the future of value account which I have suggested in the past (Di Nucci 2009a, Di Nucci 2009b, Di Nucci 2015): if the victim does not value her future and therefore does not have a preference against being killed, then killing is not wrong. So this points to a possible combination of the basic future of value account with the basic liberal account.

Secondly, my reservations about the basic future of value account – once it has been integrated with some autonomy clause – have less to do with its merits and more to do with its scope of application. Namely, the pro-life suggestion of using the future of value account to argue against the killing of embryos and fetuses.

Briefly, I think that the problem with this suggestion is not that it appeals to the deprivation of our future: the problem is finding plausible criteria for the attribution of a future to things. For example: the same future that one can attribute to an embryo can also be attributed to the parental project from which that embryo resulted. Indeed, when a parental project becomes an embryo which then becomes an adult human being, that future as an adult human being is shared by both the parental project and the embryo.

This is not the place for a full-blown argument about abortion, so let me just say this: I am happy to admit that what happens to parental projects can be morally relevant; just in the same way in which I am happy to admit that what happens to embryos can be morally relevant. But, at the same time, I would argue that abandoning a parental project cannot be compared to killing a fellow human being: and on just those lines I would also argue that destroying an embryo and aborting an early foetus cannot be compared to killing an adult human being.

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